

LCB File No. R055-02

**PROPOSED REGULATION OF THE
MANUFACTURED HOUSING DIVISION OF
THE DEPARTMENT OF BUSINESS AND INDUSTRY**

**SAFETY OF MOBILE HOME PARKS AND CONSTRUCTION AND
ALTERATION OF MOBILE HOME PARKS AND LOTS**

EXPLANATION: Matters in *italics* are new; matters in brackets [] is material to be omitted

Purpose: To establish standards to govern the abatement of substandard, unsafe or unsanitary conditions of a mobile home park and to amend the provisions relating to the construction and alteration of mobile home parks and lots.

Authority: NRS 461A.090(5)

Address of Agency: 2501 East Sahara Avenue, Suite 204, Las Vegas, Nevada 89104; Telephone Number of Agency (702) 486-4135; Facsimile Number of Agency (702) 486-4309. Gary Childers, Codes and Compliance Officer is the Agency contact person. The Agency is being assisted by Robert J. Bryant, Deputy Attorney General. Robert Bryant's address is 100 North Carson Street, Carson City, Nevada 89701. Robert Bryant's telephone number is (775) 684-1205 and his facsimile is (775) 684-1108.

Preamble: Sections numbered 2 through 12, inclusive, relate to the abatement of substandard, unsafe or unsanitary conditions in a mobile home park. With respect to sections 2 through 12, inclusive, a mobile home park shall not be deemed to be in a substandard, unsafe, or unsanitary condition solely because it was constructed under building codes in existence prior to the codes specified in section 2. If a mobile home park was built in compliance with the building codes in existence at the time of construction, the agency for enforcement shall have the burden of proof of establishing that the mobile home park is in a substandard, unsafe, or unsanitary condition. Sections numbered 2 and 13 through 16, inclusive, relate to the construction and alteration of mobile home parks and lots.

Section 1. Chapter 461A of NAC is hereby amended by adding section 1 to 16 inclusive, of these proposed regulations.

Section 2. *1. The following codes and standards, in the form most recently published before January 31, 1999, are hereby adopted for the purposes of compliance with this chapter:*

a. The Uniform Housing Code; International Conference of Building Officials, 5360 Workman Mill Road, Whittier, California, 90601-0541 at a cost of \$15.25.

b. The Uniform Building Code, Volumes 1, 2, and 3 as adopted by the International Conference of Building Officials; International Conference of Building Officials, 5360 Workman Mill Road, Whittier, California, 90601-0541 at a cost of \$173.90.

c. The Uniform Plumbing Code, as adopted by the International Association of Plumbing and Mechanical Officials; International Conference of Building Officials, 5360 Workman Mill Road, Whittier, California, 90601-0541 at a cost of \$51.75.

d. The Uniform Mechanical Code, as adopted by the International Conference of Building Officials and the International Association of Plumbing and Mechanical Officials; International Conference of Building Officials, 5360 Workman Mill Road, Whittier, California, 90601-0541 at a cost of \$87.50.

e. The National Electrical Code, as adopted by the National Fire Protection Association; International Conference of Building Officials, 5360 Workman Mill Road, Whittier, California, 90601-0541 at a cost of \$95.00.

f. The Uniform Building Code, Dangerous Building, as adopted by the International Conference of Building Officials; International Conference of Building Officials, 5360 Workman Mill Road, Whittier, California, 90601-0541 at a cost of \$15.25.

g. The Uniform Building Code Standards, as adopted by the International Conference of Building Officials; International Conference of Building Officials, 5360 Workman Mill Road, Whittier, California, 90601-0541.

h. The American National Standards Institute Standard No. A117.1; International Conference of Building Officials, 5360 Workman Mill Road, Whittier, California, 90601-0541 (approximately \$25.00).

Section 3. 1. *The agency for enforcement may employ the services of a person with special expertise to assist it in inspecting all or a part of a mobile home park to determine whether there exists a substandard, unsafe or unsanitary condition within the mobile home park. When the agency for enforcement has inspected or caused to be inspected any mobile home park and has determined that there exists a substandard, unsafe or unsanitary condition within the mobile home park, proceedings to abate the substandard, unsafe or unsanitary condition must be commenced. Before the agency for enforcement may employ the services of a person with special expertise it must have a reasonable belief that there exists within the mobile home park a substandard, unsafe or unsanitary condition.*

2. *The agency for enforcement shall issue an order directed to the owner and manager of the mobile home park. If the agency for enforcement is a city or county, it shall mail a copy of the order to the division. The order must contain:*

(a) The street address and legal description sufficient for identification of the mobile home park.

(b) A statement that the agency for enforcement has found within the mobile home park a substandard, unsafe or unsanitary condition with a brief and concise description of the conditions found to render the mobile home park in violation of this chapter.

(c) A statement as follows of the action required to be taken as determined by the agency for enforcement:

(i) If the agency for enforcement has determined the substandard, unsafe, or unsanitary condition must be abated, the order must state that all required permits must be secured and the work physically commenced within 30 days from the date of the order and completed within 120 days or such time as the agency for enforcement shall determine is

reasonable under all of the circumstances. The owner of a mobile home park may request in writing from the agency for enforcement reasonable extensions of time to either secure the necessary permits or to complete the required work. The agency for enforcement shall consider the request for an extension of time and respond in writing to the request within 5 business days of receipt. In considering whether to grant extensions of time the agency for enforcement shall consider the reasons set forth by the owner of the mobile home park, including, but not limited to delays caused by third-parties or other circumstances outside the control of the owner of the mobile home park.

(ii) A statement advising that if any requested repair work is not commenced within the time specified, the agency for enforcement may order the mobile home park vacated and proceed to cause the work to be done and charge the costs of repair to the owner of the mobile home park. This section shall not apply if the owner of the mobile home park timely requests a hearing pursuant to section 3(2)(c)(iv) unless the conditions set forth in section 3(2)(c)(iii) are present.

(iii) If the agency for enforcement has determined that the mobile home park must be vacated immediately, the order must state that the mobile home park must be vacated within a certain time after the date of the order as determined by the agency for enforcement to be reasonable. If the agency for enforcement orders that the mobile home park be vacated, it shall post signs around the mobile home park stating "SUBSTANDARD MOBILE HOME PARK, DO NOT OCCUPY." The agency for enforcement shall only order a park vacated pursuant to this section if it reasonably believes that there is an imminent danger to the health and safety of the tenants of the mobile home park. The agency for enforcement shall only order vacated that portion of the mobile home park which is necessary to protect the health and safety of the tenants of the mobile home park. If a mobile home park is ordered vacated pursuant to this section, the owner of the mobile home park may either request an administrative hearing as set forth in section 3(2)(c)(iv) and section 6, or apply to a court of competent jurisdiction for injunctive relief.

(iv) Statements advising that any person having any title or legal interest in the mobile home park may appeal from the order or any action of the agency for enforcement and that the appeal must be made in writing and filed with the agency for enforcement within 20 days after the date of the service of the order and that failure to appeal constitutes a waiver of all rights to an administrative hearing and determination of the matter. The notice shall include the address of where a written request for a hearing must be made.

Section 4. 1. The owner of the mobile home park is liable for the cost of abating the nuisance and the cost, if any, of determining whether a substandard, unsafe, or unsanitary condition exists in the mobile home park if such a condition is found to exist.

Section 5. 1. The agency for enforcement is not liable for any expense, which may be entailed by the removal or replacement of any material if:

- a. The removal or replacement is required to allow inspection;*
- b. The requirement is reasonable;*
- c. An alternative method of inspection is not acceptable;*
- d. The agency for enforcement has a reasonable belief that the removal or replacement of material is necessary to determine whether the mobile home park is in a substandard, unsafe, or unsanitary condition; and*

e. The agency for enforcement actually found, or confirmed, a substandard, unsafe, or unsanitary condition in the mobile home park as a result of the removal of material.

2. If the agency for enforcement does not find, or confirm the existence of a substandard, unsafe, or unsanitary condition as a result of its removal of material, it shall pay the cost of replacement of any soil, pavement, gravel, sod or any other ground covering or material removed. In such a case, the agency for enforcement shall replace the material in such a manner as to place the mobile home park in a similar condition or state as it was prior to the removal of the material.

Section 6. 1. Any person against whom an action is taken pursuant to this chapter is entitled to notice in the form of an order and a hearing before the agency for enforcement.

2. Upon the written request for such a hearing, the owner of the mobile home park must be granted a hearing on the matter before an authorized representative of the agency for enforcement or any other board, commission or official authorized to conduct such hearings. This request must be made to the agency for enforcement in writing within 20 days after personal service or acknowledgement of receipt by mail of the order. If such a request is not received within 20 days from the date of personal service or acknowledgement or receipt by mail of the order as specified in Section 3, the order shall be deemed final.

3. Upon receipt of a written request for a hearing the agency for enforcement shall set a time and place for a hearing and shall give the petitioner written notice of it. The agency for enforcement shall also give notice of the hearing to any tenant of the mobile home park affected by the substandard, unsafe or unsanitary condition. Receipt of the written request for a hearing, operates to stay any action by the agency for enforcement until after the hearing unless the agency for enforcement has ordered the mobile home park to be immediately vacated for safety reasons pursuant to Section 3(2)(c)(iii). If the mobile home park has been immediately vacated for safety reasons and a written request for a hearing has been made, a hearing shall be heard in a prompt manner.

4. Upon receipt of a written request for a hearing the agency for enforcement shall give a second notice directing the owner of the mobile home park to appear at a stated time and place to show cause why the substandard, unsafe or unsanitary condition within the mobile home park should not be abated.

5. At the time and place fixed in the notice given pursuant to subsection 4 the authorized representative of the agency for enforcement or other board, commission or official authorized to conduct the hearing shall proceed to hear the testimony of the officers or employees of the agency for enforcement, the owner of the mobile home park or his representatives or any other person with relevant information respecting the condition of the mobile home park, the estimated cost of abatement of the substandard, unsafe or unsanitary condition and any other relevant matters. Upon the conclusion of the hearing, the person conducting the hearing shall render a decision in the matter, which must be reported to the agency for enforcement and the owner. If a substandard, unsafe or unsanitary condition is found to exist within the mobile home park, the owner of the park must be ordered to commence work to abate the condition within 30 days after the date of personal service or acknowledgment of receipt by mail of the order. If the owner fails to begin abating the substandard, unsafe or unsanitary condition within 30 days after the date of personal service or acknowledgment of receipt by mail of the order, or fails to complete the ordered work within the time frame specified in the order, the agency for enforcement may cause the mobile

home park to be vacated without further hearing or may bring a legal proceeding in district court to cause the work to be completed as specified in the order. If the division is the agency for enforcement, the decision may be appealed in accordance with the applicable provisions of NRS chapter 233B. If the agency for enforcement is not an agency as defined in NRS 233B.031, an appeal or other legal proceeding may be made in accordance with the applicable law.

Section 7. 1. The agency for enforcement shall mail or deliver by personal service to any tenant of the mobile home park affected by the substandard, unsafe or unsanitary condition a copy of the order to abate the substandard, unsafe or unsanitary condition within the mobile home park.

Section 8. 1. Any mobile home park in which there exists any of the following listed conditions which endangers the life, property, safety or welfare of the public or the tenants of a mobile home park is hereby declared to be substandard, unsafe, or unsanitary:

- a. Unsanitary or faulty plumbing and/or drain systems;*
- b. Hazardous wiring or electrical systems;*
- c. Hazardous of faulty gas distribution system or gas appliances and equipment;*
- d. Conditions that may cause fire or explosion, or be considered a fire hazard;*
- e. Faulty fire protection systems;*
- f. Unsafe or hazardous conditions caused by the lack of proper erosion control or maintenance of required erosion control structures;*
- g. Disrepair of roads, walkways, and driveways that may cause bodily injuries or damage to vehicles;*
- h. The lack of, or improper maintenance of, refuse areas and receptacles.*
- i. Any other condition which is determined to be a threat to the tenants' or the public's life, health, property, safety, or welfare by the agency for enforcement.*

Section 9. 1. If any provision of Sections 1 to 8, inclusive, or any application thereof to any person, thing, or circumstance is held invalid, it is intended that such invalidity not affect the remaining provisions of their application, which can be given effect without the invalid provision or application.

Section 10. 1. Sections 2, 8,14, 15, and 16, inclusive, contain minimum standards. Nothing contained in those sections precludes local governments or a health agency from formulating and adopting additional standards or standards in excess of those set forth in those regulations.

Section 11. 1. Sections 1 to 8, inclusive, shall apply to any substandard, unsafe or unsanitary condition existing at the time this regulation is effective and any future substandard, unsafe or unsanitary conditions, which occur after the effective date of those sections.

Section 12. 1. If the owner of a mobile home park fails to obey an order of the agency for enforcement, or an order issued after a hearing as proscribed by this chapter, the agency for enforcement may institute an appropriate action to cause the abatement of the substandard, unsafe, or unsanitary condition in the mobile home park.

Section 13. NAC 461A.010 is hereby amended to read as follows:

NAC 461A.010 Definitions. As used in nac 461A.010 to 461A.300, inclusive, unless the context otherwise requires:

1. "Agency for enforcement" has the meaning ascribed to it in NRS 461A.030.
2. "Division" means the manufactured housing division of the department of business and industry.
3. *"Manager" has the meaning ascribed to it in NRS 118B.0145.*
4. *"Stand" means the portion of the mobile home lot intended to be occupied by the home.*

Section 14. NAC 461A.040 is hereby amended to read as follows:

1. An application for the construction or alteration of a mobile home park must be accompanied by three sets of the plans and specifications for the project, unless the agency for enforcement determines that the proposed alteration of the park is of a minor nature. The plans and specifications must be prepared by a person who is registered as a professional engineer or architect in Nevada and must include:

- (a) The area and dimensions of the tract of land;
- (b) The number of mobile home lots and the location and size of each;
- (c) The number of parking lots and the location and size of each;
- (d) The location and width of roadways and walkways;
- (e) The method and plan for supplying water, including a report of the chemical analysis of water from the proposed source;
- (f) The method and plan for the disposal of sewage, including a report of a percolation test and a statement of the distance from the surface of the land to the water table;
- (g) The method for disposing of garbage and other refuse;
- (h) The plan for providing electricity;
- (i) The plans and specifications for each building and other improvement already constructed or to be constructed within the mobile home park;
- (j) The size and location of any play area;
- (k) The size and location of any swimming pool, bathing place or bathhouse;
- (l) The plans for and location of every building to be erected within the mobile home park other than the dwellings or accessory structures of tenants;
- (m) The method and plan for fire protection;
- (n) Evidence of compliance with the applicable local building and zoning requirements;
- (o) A topographic map of the site for the park and the vicinity; and
- (p) The plan for providing natural gas or liquefied petroleum gas, if applicable.
- (q) *A detailed soils report.*

(1). Each application for a permit must be accompanied with a soils report, prepared by a Nevada Registered Soils Engineer. The soils report must include;

(I) The bearing capacity of the native soils;
(II) Complete specifications and instructions for the construction the mobile home stand;

(III) Identify any areas in the boundaries of the project where native soils may not meet the minimum bearing capacity of 1000 pounds per square foot but may be upgraded to meet the standards;

(IV) Identify any areas in the boundaries of the project where soils are not suitable

to construct mobile home stands or accessory buildings and cannot be upgraded;

(V) Identify any other conditions that may have a negative effect on the intended use of the property

(2) Each report must contain the specifications and methods to be used to upgrade areas identified by the engineer as not meeting the minimum standards, but can be upgraded to meet the standards.

(r) A detailed report showing erosion control plans

2. The plans and specifications must be of sufficient clarity to:

(a) Indicate the nature and extent of all work proposed; and

(b) Show in detail that the work will conform to the provisions of this regulation.

Section 15. NAC 461A.090 is hereby amended to read as follows:

1. If the agency for enforcement does not provide the service of inspecting projects of construction or repair, the holder of the permit must engage a qualified inspector to perform inspections of the mobile home park while it is under construction.

2. The inspector must be registered as a professional engineer or architect in Nevada or be some other person who is approved by the agency for enforcement.

3. The inspector shall:

(a) Inspect all phases of construction or repair of the park, including the installing of underground facilities, the grading and paving, and the concrete, plumbing, mechanical and electrical work. These inspections must be performed pursuant to the provisions of sections 305 and 306 of the Uniform Building Code, ~~[1982]~~ **1997** edition, **National Electric Code, 1996 edition, Uniform Plumbing Code, 1997 edition**, which ~~is~~ **are** hereby incorporated by reference. A copy of ~~[this] these [code] codes~~ may be obtained from the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601 ~~[, at a price of \$40.75]~~. **The Uniform Building Code may be obtained at a price of \$173.90. The National Electric Code may be obtained at a price of \$95.00. The Uniform Plumbing Code may be obtained at a price of \$51.75.**

(b) Submit to the agency for enforcement periodic written reports on the progress of the construction.

(c) After the construction is completed, certify in writing to the agency for enforcement that the park conforms to the plans and specifications approved by that agency.

Section 16. NAC 461A.140 is hereby amended to read as follows:

1. A lot for a mobile home must have an area of:

~~[1.]~~ **(a)** At least 2,880 square feet if the lot is designed for a mobile home 14 feet or less in width.

~~[2.]~~ **(b)** At least 4,000 square feet if the lot is designed for a mobile home more than 14 feet in width.

2. The agency for enforcement may waive the requirements of this section for good cause shown.